

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GERALD EDWARDS,
Plaintiff

v.

COLEEN CHRISTIAN,
Defendant

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CIVIL ACTION

No. 24-398

ORDER

AND NOW, this 8th day of April 2024, upon consideration of Plaintiff Gerald Edwards's First Motion to Proceed In Forma Pauperis (Doc. No. 4), Plaintiff's Second Motion to Proceed In Forma Pauperis (Doc. No. 5), and Plaintiff's Complaint (Doc. No. 1), for the reasons explained in the accompanying memorandum, it is hereby **ORDERED** as follows:

1. Plaintiff's Motions to Proceed In Forma Pauperis (Doc. Nos. 4, 5) are **GRANTED**, and Mr. Edwards has leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.
2. The Complaint (Doc. No. 1) is **DEEMED** filed.
3. The Complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**.
4. Mr. Edwards may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Mr. Edwards's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Mr. Edwards should be mindful of the Court's reasons for dismissing the claims in his initial complaint as explained in the Court's memorandum.
5. Upon the filing of any amended complaint, the Clerk of Court **SHALL NOT** make service until so **ORDERED** by the Court.

6. The Clerk of Court is **DIRECTED** to send Mr. Edwards a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number. Mr. Edwards may use this form to file his amended complaint, if he chooses to do so.

7. If Mr. Edwards does not wish to amend his complaint and instead intends to stand on his complaint as originally filed, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case. *See Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019) (quoting *Borelli v. City of Reading*, 532 F.2d 950, 951 n.1 (3d Cir. 1976)) ("If the plaintiff does not desire to amend, he may file an appropriate notice with the district court asserting his intent to stand on the complaint, at which time an order to dismiss the action would be appropriate."); *accord In re Westinghouse Sec. Litig.*, 90 F.3d 696, 703–04 (3d Cir. 1996).

8. If Mr. Edwards fails to file any response to this Order, the Court will conclude that Mr. Edwards intends to stand on his Complaint and will issue a final order dismissing this case. *See Weber*, 939 F.3d at 239-40 (explaining that a plaintiff's intent to stand on his complaint may be inferred from inaction after issuance of an order directing him to take action to cure a defective complaint).

BY THE COURT:

s/ Gene E.K. Pratter
GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE